

**WARRANT FOR ANNUAL TOWN MEETING  
TOWN OF LANESBOROUGH  
COMMONWEALTH OF MASSACHUSETTS  
FISCAL YEAR 2017**

BERKSHIRE, ss.

May 25, 2016

To any of the Police Officers of the Town of Lanesborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lanesborough, qualified to vote in Town affairs, to meet at the Lanesborough Elementary School, 188 Summer Street in said Lanesborough on Tuesday, June 14, 2016 at 6:00 p.m., then and there to act on the following Articles of business, Articles 2 through 19 and action on Article 1, will take place on Tuesday, June 21, 2016, at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 P.M.

**ARTICLE 1.** To elect the necessary Town Officers on one ballot;

One Selectman for three years;  
Two Finance Committee members for three years;  
One Lanesborough School Committee member for three years;  
One Northern Berkshire Vocational Regional School Committee member for three years;  
One Planning Board member for five years;  
One Library Trustee for three years;  
One Library Trustee for one year;  
One Cemetery Commissioner for three years;  
One Moderator for one year;

**ARTICLE 2.** To fix the compensation of all elected Town Officers as provided by M.G.L. c. 41, s. 108, as amended, and to hear the budget, act thereon and raise and appropriate, borrow or transfer from available funds a sum or sums of money to defray charges and expenses of the Town for the ensuing year, or take any other action relative thereto.

*(Without any Recommendation by the Board of Selectmen)  
(Recommended by the Finance Committee)*

**ARTICLE 3.** To see if the Town will vote , pursuant to MGL c. 41, §21, to have the Board of Selectmen appoint the Cemetery Commissioners of the Town , or take any other action relative thereto, subject to the approval of an official ballot question on the next election warrant at the annual town election, to read as follows:

SHALL THE TOWN VOTE TO HAVE ITS SELECTMEN APPOINT CEMETERY COMMISSIONERS OF THE TOWN? YES \_\_\_\_\_ NO \_\_\_\_\_

or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

**ARTICLE 4.** To see if the Town will vote to appropriate for the operation of the Ambulance Enterprise **\$41,000.00** for salaries and expenses, to be raised as follows: Departmental Receipts - **\$32,423.00**; Retained Earnings - **\$8,577.00** or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Recommended by the Finance Committee)*

**ARTICLE 5.** To see if the Town will vote to appropriate for the operation of the Sewer Enterprise **\$34,805.00** for expenses and budgeted surplus and that **34,805.00** be raised from user fees, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Recommended by the Finance Committee)*

**ARTICLE 6.** To see if the Town will vote to appropriate and transfer from funds to be received from the Baker Hill Road District, the sum not to exceed **\$230,826.00** to the Baker Hill Road District Police Salaries and Expenses Account for Fiscal Year 2017 pursuant to the provisions of M.G.L. Chapter 44, Section 53E, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Recommended by the Finance Committee)*

**ARTICLE 7.** To see if the Town will vote to re-authorize the following revolving fund accounts through the receipt of fees, fines, grants, gifts, donations, and other receipts in accordance with M.G.L. Chapter 44, Section 53 E 1/2 and to authorize expenditures as noted for each account, or take any other action relative thereto.

REVOLVING FUND	AUTHORIZED TO SPEND FUND	REVENUE SOURCE	USE OF FUND	FY 2017 SPENDING LIMIT
LACTV2 Cable Commission	Town Manager	Franchise Fees	Operations	\$10,000.00
Fire and Building Inspectors Code Enforcement Training & Services	Fire & Building Inspectors	Building Permit Fees	Training	\$2,500.00
Lanesborough Agricultural Commission	Agricultural Commission	Donations	Agricultural Projects	\$5,000.00

Police Department Canine Fund	Police Chief	Donations	Canine Care	\$5,000.00
Lanesborough Tree and Forest	Tree and Forest Committee	Donations	Tree Preservation Projects	\$3,000.00
Special Education Services	Town Accountant	Town of New Ashford	Programs	\$20,000.00
Hazardous Materials Team	Fire Chief	Billings	Hazardous Materials Reimbursement	\$5,000.00

*(Recommended by the Board of Selectmen)*  
*(Recommended by the Finance Committee)*

**ARTICLE 8.** To see if the Town will vote to transfer **\$20,000.00** from Free Cash into the Stabilization Fund, or take any other action relative thereto.

*( $\frac{2}{3}$  vote required)*  
*(Recommended by the Board of Selectmen)*  
*(Recommended by the Finance Committee)*

**ARTICLE 9.** To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$20,000.00**, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*  
*(Recommended by the Finance Committee)*

**ARTICLE 10.** To see if the Town will vote to appropriate the sum of **\$80,000.00** for the purchase of a highway truck, with or without a trade, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of **\$60,000.00** for said appropriation under applicable sections of Chapter 44 of the General Laws, and further to transfer from Free Cash **\$20,000.00** for said appropriation; or take any other action relative thereto.

*( $\frac{2}{3}$  vote required)*  
*(Recommended by the Board of Selectmen)*  
*(Recommended by the Finance Committee)*

**ARTICLE 11.** To see if the Town will vote to appropriate the sum of **\$44,000.00** for the purchase of a Police Vehicle, with or without a trade, and further to transfer from the Baker Hill Road District Fund the sum of **\$22,000.00** and transfer from Free Cash **\$22,000** for said appropriation; or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*  
*(Recommended by the Finance Committee)*

**ARTICLE 12.** To see if the Town will vote to transfer **\$14,000.00** from Free Cash for the purchase of a snowmobile, with or without a trade, for the use of the Fire Department, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Recommended by the Finance Committee)*

**ARTICLE 13.** To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$8,000.00**, to fund a study and grant application for a possible water system upgrade at Berkshire Village Water Cooperative, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Without any Recommendation by the Finance Committee)*

**ARTICLE 14.** To see if the Town will vote to authorize the Treasurer to make expenditures from the Transportation Bond Bill for the repair and maintenance of roadways in Lanesborough in anticipation of revenue and allow for the carry over of the funds from year to year until expended, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Recommended by the Finance Committee)*

**ARTICLE 15.** To see if the Town will vote to appropriate and transfer from Free Cash **\$200,000.00** to be used by the Assessor to reduce the tax rate for Fiscal Year 2017, or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Recommended by the Finance Committee)*

**ARTICLE 16.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, permanent and/or temporary easements on the parcels of land shown on plans entitled "Massachusetts Department of Transportation Highway Division Ashuwillticook Rail Trail Extension in the City of Pittsfield and Town of Lanesborough," dated January 25, 2016, prepared by Fuss & O'Neill, said plans on file with the Town Clerk, as said plans may be amended, for rail trail purposes, including, but not limited to, the construction, alteration, maintenance, improvement, repair and/or replacement of the Ashuwillticook Rail Trail Extension; and, further, to see if the Town will vote to raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money for these purposes and any expenses related thereto; on such terms and conditions as the Board of Selectmen deems appropriate; and, further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, or take any other action relative thereto.

*( $\frac{2}{3}$  vote required)*

*(Recommended by the Board of Selectmen)*

**ARTICLE 17.** To see if the Town will vote to accept the provisions of General Laws Chapter 138 Section 33B to allow for the sale of alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday or take any other action relative thereto.

*(Recommended by the Board of Selectmen)*

**ARTICLE 18.** To see if the Town will vote to adopt the following amendments to General Bylaws of the Town of Lanesborough, Chapter 13-Article A, Regulation and Control of Fire Detection and Fire Alarm Systems, as shown below with modified text in **bold**; and by adding a new section Chapter 13- Article B, Regulation and Control of Security Alarm Systems, as provided below; and re-lettering the current Chapter 13-Article B, “Ambulance Charges” to Chapter 13-Article C.

**[Background and Purpose: The Town of Lanesborough finds that excessive false fire and security alarms unduly burden the Town’s Fire and Police Department’s limited public safety resources. The purpose of these bylaw amendments is to establish reasonable expectations of alarm users and to ensure that said users are responsible for false alarms.]**

#### CHAPTER 13: FIRE AND SECURITY ALARM REGULATIONS

Ch. 13 – Article A. - Regulation and Control of Fire Detection and Fire Alarm Systems **utilizing external signaling means to alert the proper authorities, whether directly or indirectly.**

**Note: The following definition does not apply to smoke detectors, nor carbon monoxide detectors, installed in buildings in accordance with Massachusetts State Building Code requirements for smoke detectors and carbon monoxide solely intended to alert the inhabitants in the event of fire, smoke, or carbon monoxide gas buildup, and required by law for every new or modified dwelling.**

A. Definition:

**“Fire Detection And Alarm Systems, with external signaling means to alert the proper authorities, whether directly or indirectly,”** are those fire alarm devices installed in privately owned structures, residential, educational religious, commercial, industrial, which, when activated, result in an alarm of fire being transmitted **externally from the building. Such** Alarm transmittal may be by the sounding of an external alarm, alerting the general public; by automatic telephone call; **by purchased or contracted third party services,** by personal telephone call; by direct connection; or **by special internet application.** This section shall consist of the following paragraphs:

B. No fire detection and alarm system as defined, shall be installed without obtaining a permit from the Fire Chief. Owners of existing alarm systems maintained in the town shall, within 60 days of the enactment of this bylaw, **to** file for a permit.

C. The owner/owners of the property in which the fire detection and alarm system is installed shall furnish, in writing, to the Fire Chief, telephone numbers (other than the protected premises) with the names of **local** individuals, **who are authorized by the owner(s)** to respond to emergency calls and provide access to the structure. ~~Enough names and numbers shall be furnished to insure availability of at least one such individual at any hour of the day or night (unreasonable). This list shall be revised, as required, to be kept~~ **The owner of the property is responsible for keeping the list at the Fire Department current and accurate.**

D. No testing, repairing, altering, or other actions, which might result in the transmittal of an alarm to the Fire Department shall be performed without prior notification to the alarm monitoring **company station, and** the Fire Department, **and the Fire Department dispatch center, and/or.**

E. Failure to comply with any of the requirements of Paragraphs B through D shall be punishable by a **service fee** of **\$100.00** assessed to the property owner and payable to the Town of Lanesborough, for deposit in the **General Fund.**

F. All installations will be inspected and **internally** tested prior to the permit being validated. Upon validation the installation may be connected **and wrap-around testing may accomplished in accordance with requirement D. above.**

G. Devices shall have lightning surge protection.

H. Devices shall not activate **alarms because** of power interruptions. Voice messages shall not exceed 15 seconds in duration. Devices shall not **call** more than twice for the same alarm. **Automated Devices shall hang-up after leaving an alarm message in order to not block other calls.**

I. Equipment shall be **tested and** serviced by a **certified technician** at least once every two years. Reports of such service shall be made **in writing** to the Chief of the Fire Department.

J. False Alarms of fire are those alarms transmitted, when no fire condition exists, and ~~are the~~ **as a result of negligence such as dusty detectors, dead batteries, excess cooking or fireplace smoke;** or defective equipment. The owner of any property **from** ~~in~~ which a false alarm occurs ~~is transmitted~~ shall incur **penalties** in accordance with the following schedule:

a. The first false alarms shall be free of charge and **will result in** a written warning, including the wording of this **Article**, from the Fire Chief to the property owner.

b. The second false alarm (within twelve (12) months of the date of first false alarm) **will result in a service fee** of \$100.00, **which** shall be assessed to the property owner **and will be** payable to the Town of Lanesborough for deposit in the General Fund.

c. The third false alarm **will result in** a service fee of \$200.00 and any subsequent false alarms (within twelve (12) months of the date of the first false alarm) **will result in a service fee** of \$300.00, **which** shall be assessed to the property owner **and will be** payable to the Town of Lanesborough for deposit in the General Fund.

**This bylaw may be enforced by any means available at law or in equity, including but not limited to non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.**

K. When the Fire Department responds to an alarm of fire by a fire alarm activation where the premises are unoccupied, and the department is unable to gain access to the structure, and is unable to contact any of the individuals listed for access; **then** the Fire Officer in command, **may** if he/she has reasonable concern or suspicion that a fire or other emergency exists within the structure, may make a forcible entry **into the building** to determine whether or not such conditions exist. The Fire Officer **in command** shall:

1. Notify the Police Department of this action.
2. Secure the premises insofar as feasible.
3. Continue efforts to contact the individuals listed as responsible for the structure.
4. Enter the action taken in the Fire Department report for that incident.

-----End of Article A-----

**Ch. 13 – Article B. - Regulation and Control of Security Alarm Systems with external signaling means to alert the proper authorities, whether directly or indirectly.**

**A. Definitions**

1. **SECURITY ALARM, with external signaling means to alert the proper authorities, whether directly or indirectly: A signaling device that emits a local audible, or visual signal indicating an alarm has been activated and/or transmits a remote or electronic signal indicating an alarm has been activated and is intended to, or is reasonably calculated to summon the Lanesborough Police Department, including, but not limited to, so called “burglar alarms,” “holdup alarms” and “panic alarms.”**

a. **A security alarm signaling device that only emits a local audible, or visual signal indicating an alarm has been activated and has no external communication shall be exempt from the provisions this article.**

b. **Motor vehicle alarms, and alarms on governmental buildings shall be exempt from the provisions this article.**

**2. FALSE ALARM:** Activation of a Security Alarm resulting in a response by the Lanesborough Police Department where, after investigation, there is no actual or threatened criminal activity, emergency or harm to person or property. False Alarms include, but are not limited to, a Security Alarm activated by a mechanical failure, children, animals, a malfunction due to improper installation, negligence, or human error. Activation of a Security Alarm shall not be considered a False Alarm when it is caused by a power outage, earthquake, damage to a building, or severe weather conditions.

**3. SECURITY ALARM PERMIT:** a permit issued by the Police Department allowing the operation of an alarm system within the Town.

**B. Security Alarm Permit Requirements**

**1. No person shall use a Security Alarm system with external signaling means to alert the proper authorities, whether directly or indirectly, without first obtaining a permit for such alarm system from the Police Department. The fee for such permit, and any renewals, shall be \$25.00. Each Security Alarm permit shall be assigned a permit number for the user.**

**2. When the possession or ownership of the structure where such Security Alarm system transferred, the new owner obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Security Alarm Permits are not transferable.**

**3. The Security Alarm Permit holder must report updated contact information to the Police Department within thirty (30) days of the change.**

**4. If a Security Alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants or lessees, separate permits are required for each structure and/or tenant.**

**5. The service fee for a person's failure to register a Security Alarm with the Police Department shall be \$100.00.**

**C. Duties of Alarm Users**

**1. It is the duty of Security Alarm System owners to:**

**a. Maintain the premises and the Security Alarm system(s) in a method that will reduce or eliminate false alarms;**

**b. Provide and maintain the Security Alarm monitoring company information and the permit information to the Police Department.**

**c. When notified by the Lanesborough Police Department or alarm monitoring company of an alarm: to respond, or have a representative respond to the Security Alarm System location within a reasonable amount of time.**

d. Not manually activate a Security Alarm for any reason other than an occurrence of an event that the Security Alarm system was intended to report.

e. Ninety (90) days after this bylaw becomes effective, all Security Alarm installation companies shall on all new and upgraded installations, use only Security Alarm panels that meet SIA Control Panel Standard CP-01.

f. Ensure that the Security Alarm company has current contact information for the user to ensure that appropriate contact is made in the event of an emergency.

#### **D. Records**

1. Whenever a Security Alarm is activated in any manner with the result that there is a response to the location of the Security Alarm by the Lanesborough Police Department, a record of the Security Alarm response shall be made and kept by the Lanesborough Police Department, and notice shall be posted at the property within two (2) days. If such alarm is a False Alarm, the notice shall so specify.

#### **E. False Security Alarms; service fees**

1. It shall be in violation of this bylaw to activate a Security Alarm for the purpose of summoning law enforcement when no crime is being committed or attempted on the premises.

2. It shall be unlawful for a False Alarm to occur more than three times in a calendar year.

3. Beginning with the fourth False Alarm in a calendar year, the owner, tenant or responsible person in control of such premises shall pay a service fee of \$50 per subsequent occurrence to the Town of Lanesborough.

4. Starting with the fifth False Alarm and up to and including the ninth False Alarm in a calendar year, the owner, tenant or responsible person in control of such premises shall pay a service fee of \$100 per False Alarm occurrence. Starting with the tenth False Alarm in a calendar year, the service fee shall be \$200 per False Alarm occurrence.

5. Notice of such service fee shall be posted at the premises or mailed to the owner, tenant or responsible person in control of such premises within two (2) days. The service fee shall be paid to the Town of Lanesborough within 30 days of notice. After 30 days, interest shall accrue at the maximum statutory rate as provided for in Section 21E of Chapter 40 of the Massachusetts General Laws under the provisions of Section 57 of Chapter 59 of the Massachusetts General Laws.

**6. This section may be enforced by any means available in law or in equity, including non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.**

**F. Automatic shut off devices; service fees**

**1. Any audible Security Alarm installed after the effective date of this Bylaw, shall be equipped with an automatic shut off device that shall shut-off the audible component of the alarm within thirty (30) minutes of activation. Within six months of the effective date of this bylaw, all installed security alarms, will be so equipped.**

**2. In the event of a response by the Lanesborough Police Department to a Security Alarm in violation of this section, the owner, tenant or responsible person in control of such premises shall pay a service fee of \$50 to the Town of Lanesborough.**

**3. Notice of such violation and service fee shall be posted at the premises or mailed to the owner or person in control of such premises within two (2) days, and, if the violation is not corrected within 30 days of said notice, each day thereafter shall be deemed a separate violation, until such Security Alarm is brought into compliance.**

**4. The service fee shall be paid to the Town of Lanesborough within 30 days of each subsequent notice. After 30 days, interest shall accrue at the maximum statutory rate as provided for in Section 21E of Chapter 40 of the Massachusetts General Laws under the provisions of Section 57 of Chapter 59 of the Massachusetts General Laws.**

**5. This section may be enforced by any means available in law or in equity, including non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.**

**G. Appeals**

**1. Assessments of fees or penalties may be appealed in writing to the Chief of Police by filing a written notice of appeal. Upon receipt of an appeal, the Chief of Police or his designee(s) shall hold a hearing on the fees or penalties imposed and reverse, affirm or modify the imposed fees and penalties. A written decision on the appeal shall issue within twenty (20) days.**

**H. Confidentiality**

**1. The Town recognizes that it is subject to the requirements of the Public Records Law, Section 10 of Chapter 66 of the Massachusetts General laws. However, in the interests of public safety, it is the intention of the Town, to the extent permitted by law, to maintain confidentially personal information and infrastructure information regarding Security Alarms, including, but not limited**

to, that information specifically identifying the location, operations or other proprietary information contained in the information it receives.

**I. Government Immunity**

**1. Notwithstanding any of provisions of this by-law, the Town, its departments, officials, officers, agents and employees shall be under no duty or obligation, either express or implied, of response or the adequacy, operation or maintenance of any Fire or Security Alarm or of the alarm monitoring facilities at Police or Fire Departments. Any and all liability resulting from the Town's failure to respond to a notification is hereby disclaimed; governmental immunity, as provided by law, is retained. Fire and Security Alarm owners and users in Town shall acknowledge that fire and law enforcement response may be influenced by factors such as, but not limited to: the availability of police and fire units, staffing levels, the priority of calls, weather, traffic and emergency conditions.**

**J. Severability**

**The invalidity of any individual section(s) of this by-law shall not affect the validity of the by-law as a whole.**

*(Recommended by the Board of Selectmen)*

**ARTICLE 19.** To see if the Town will vote to become a member of the Berkshire County Mosquito Control Project for a five year period, pursuant to Massachusetts General Laws Chapter 252, Section 5A and other applicable sections of said law; or take any action relative thereto.

*(Recommended by the Board of Selectmen)*

*(Without any Recommendation by the Finance Committee)*

The business meeting at which Articles 2 through 19 will be acted upon will commence at 6:00 P.M., Tuesday, June 14, 2016. The election, or action on Article 1, will take place on Tuesday, June 21, 2016, at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 P.M.

You are hereby directed to serve this Warrant by posting True and Attested copies thereof in three public places and convenient places in the Town, at least seven days before the time of holding said meeting.

TOWN OF LANESBOROUGH  
BOARD OF SELECTMEN

*John Goerlach*

\_\_\_\_\_  
John Goerlach, *Chair*

*Robert Ericson*

\_\_\_\_\_  
Robert Ericson

*Henry Sayers*

\_\_\_\_\_  
Henry Sayers

I have posted true and attested copies of said Warrant at the Lanesborough Post Office, the Lanesborough Town Hall and the Bob's Country Kitchen.

*Gary Kirby*

\_\_\_\_\_  
POLICE OFFICER

*5/31/16*

\_\_\_\_\_  
DATE

*Ruth A. Krysh*

\_\_\_\_\_  
TOWN CLERK

*5/31/16*

\_\_\_\_\_  
DATE